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Some Lincoln Correspondence
with Southern Leaders before
the Outbreak of the Civil War

FROM THE COLLECTION OF
JUDD STEWART

1909

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FOREWORD

Recently I acquired the correspondence between President Abraham Lincoln, Mr. Alexander H. Stephens and Senator J. J. Crittenden given herein. It seems to me proper to make a permanent record of these documents because they add to the history of the time and much to the record of Lincoln's efforts to prevent the War of the Rebellion.

By publishing the correspondence it is hoped that perhaps the originals of the letters, which are certified as being correct by Mr. Stephens, may be brought to light. Senator Crittenden's letter to Mr. Stephens, the original of which is in my collection, suggests that he might also have asked Mr. Lincoln's opinion on the same question and the internal evidence of the correspondence, it seems to me, indicates that these letters were really written by these men. I have indicated in notes which of the letters are original, and which are copies, certified to by Mr. Stephens.

The letter from Mr. Lincoln to Mr. Stephens, January 19th, 1860, and Mr. Stephens' reply January 25th, present, perhaps as no two other letters could do, the views of the South and the North prior to the breaking out of the Rebellion.

The letter of Mr. Lincoln to Senator Crittenden Dec. 22nd, 1859 is somewhat curt in its tone, but may be explained by the fact that Senator Crittenden went out of his way to help Douglas in 1858, and Lincoln was always a little sore over Crittenden meddling in the matter because he thought Crittenden, as well as Greeley and others should, on principle, have sided with him.

Mr. Lincoln's letter of January 19th, 1860 to Mr. Stephens (duplicated for Senator Crittenden) was *dictated*, and, in addition, was an effort to answer both Mr. Stephens and Senator Crittenden with one letter; both of these circumstances would quite naturally tend to detract from Mr. Lincoln's usual clarity of expression, although the substance of the letter is what might be expected from him.

JUDD STEWART.

Plainfield, Nov. 30th, 1909.

December 22, 1859.

Address, SPRINGFIELD, ILLINOIS.

Hon. J. J. Crittenden, U. S. Senate

My Dear Sir: I should not care to be a candidate of a party having as its only platform "The Constitution, the Union and the enforcement of the laws." "The Constitution," *as we understand it*, has been the shibboleth of every party or mal-content from the Hartford Convention that wanted to secede from slave territory and the "Blue Light" burners who were in British sympathy in 1812, to John C. Calhoun and South Carolina Nullification. The Union, we intend to keep, and loyal states will not let disloyal ones break it. Its constitution and laws made in pursuance thereof must and shall remain, "the supreme law of the land." The enforcement of what laws? If they are those which give the use of jails & domestic police for masters seeking "fugitives from labor" that means war in the North. No law is stronger than is the public sentiment where it is to be enforced. Free speech and discussion and immunity from whip & tar and feathers, seem implied by the guarantee to each state of "a republican form of government." Try Henry Clay's "gradual emancipation" scheme now in Kentucky, or to circulate W. L. Garrison's *Liberator* where most men are salivated by the excessive use of the *Charleston Mercury*. Father told a story of a man in your parts required to give a warrantee bill of sale with a horse. He wrote, "I warrant him sound in skin and skeleton and without faults or faculties." That is more than I can say of an unmeaning platform. Compromises of principles break of their own weight.

Yours very respectfully

A. LINCOLN.

(The above is from a copy made by the same person who copied the letters certified as correct by Mr. Stephens as noted herein.)

WASHINGTON, Jany 13th, 1860.

My Dear Sir

I send you by this mail a pamphlet of my friend, S. S. Nicholas of Louisville, Kenty, proposing & recommending a new plan of electing or selecting presidents of the United States—He wants your opinion upon it—Please write to him what you think of it, when you have time to read it. He is one of our most able & respected citizens of Kentucky. He will be pleased to hear from you. Mr. Wm. C. Rives has given him an opinion & he desires yours.

The House is still without a Speaker, & confusion still reigns.

This is the result of the conflict that has been so long waged between the Democratic & Republican parties. It has brought the country to the verge of ruin. To displace both these parties from power seems to be the only remedy—the only safety for the country. You will have seen that some of us here are making an appeal to the people to rise in the form of a national & constitutional party and apply that remedy. What think you of it? If such men as you would but espouse & lead in the movement, it could not but succeed—the feelings of the whole country favours it & the whole country would be benefited by it. Indeed, we may well (say) that the country could not be injured by any change.

You may be assured of this, that the movement is entirely unselfish, & that the only motives to it are the good of the country, & to rescue it from the plague of party that is now upon it.

We are labouring for the advancement of no *individual*. We spurn such an imputation. We have no individual in view even, for the Presidency. Our only aim is our Country's good.

The only question with you will be whether the *means* by which we seek that end are the appropriate & best *means*, namely, the formation of such a party as is proposed. I do not seek to draw you from the sequestration in which you have chosen to place yourself, but I have been so long accustomed to regard your opinions with respect & confidence, that I should like, for own satisfaction, if for no other purpose, to have your views upon this occasion, if your cases & your clients have left you time to think of the subject.

I am,

Your Friend &c

Hon. Alex'r H. Stephens.

J. J. CRITTENDEN.

(The above is from the original autograph letter now in my possession.)

SPRINGFIELD, ILLINOIS, 19 January, 1860.

Duplicated for Senator Jno. J. Crittenden

Honorable A. H. Stephens

Dear Sir: Your letter and one from Hon. J. J. Crittenden, reached me at the same time. He wants a new party on the platform of "The Union, the constitution and the enforcement of the Laws"—not construed. You from your retirement at *Liberty Hall* complain of the bad faith of many in the free states who refuse to return fugitives from labor, as agreed in the compromise of 1850, 1854: but I infer that you agree with Judge Douglas that the territories are to be left to "form and regulate their own domestic institutions subject only to the Constitution of the United States." I remember the letter of the Whigs in Congress in 1852 which defeated Gen'l Winfield Scott on the ground that he did not present your view of States' rights. Also that your letter destroyed the Whig party and it is said that you and Toombs voted for Webster after he was dead. You are still "harping" on "my daughter" and you supported Zach Taylor as a sound Kentuckian. If I understand you, here are two constructions: Crittenden being willing for the Henry Clay gradual emancipation, I think. The rights of local self-government as defined by Webster, also including state determination of citizenship, are clearly in the Constitution. When we were both Members of the Young-Indian Club in Washington you then argued for paramount state Sovereignty going very nearly to the extreme of state *nullification* of Federal laws with John C. Calhoun: and of secession at will with Robert Toombs. The Colonies were subject up to July 4, 1776, and had no recognized independence until they had won it in 1783: but the only time they ever had the shadow of separate sovereignty was in the two years before they were compelled to the articles of Confederation July 9, 1778. They fought England for seven years for the right to club together but when were they independent of each other? Let me say right here that only unanimous consent of all of the states can dissolve this Union. We will not secede and you shall not. Let me show you what I think of the reserved rights of the states as declared in the articles of Confederation and in the Constitution and so called Jeffersonian amendments; suppose that I sold a farm here in Illinois with all and singular

the rights, members and appurtenances to the same in any wise belonging or appertaining, signed, sealed and delivered: I have now sold my land. Will it at all change the contract if I go to the clerk's office and add a post script to the record; that all rights not therein conveyed I reserve to myself and my children? The colonies, by the Declaration of July 4, 1776, did not get nationality, for they were leagued to fight for it. By the articles of Confederation of July 9, 1778 under stress and peril of failure without union; a government was created to which the states ceded certain powers of nationality, especially in the command of the army and navy, as yet supported by the states. Geo. Washington was commander in Chief and congress was advisory agent of the states, commending but not enacting laws for the thirteen, until empowered. This proved insufficient and the peril of failure was great as ever, at home and abroad. Alexander Hamilton and others of New York were first to urge that a government with no revenues, except state grants, could have no credit at home or abroad. Three years later Virginia led the states in urging concessions of power, and then by twelve states—Rhode Island objecting—was framed our original Constitution of 1787 fully three and a half years after the peace that sealed our United national Independence. The post-script erroneously all attributed to Thomas Jefferson; came in three installments. The first ten (10) proposed in the first session of the Congress of the United States 25th September 1789 were ratified by the constitutional number of states 15 December 1791, New Jersey 20 November 1789 and Virginia 15 December 1791, eleven states only; Georgia and Connecticut dissenting. The eleventh amendment proposed 5 March 1794; Third Congress was then declared duly adopted by a President's message of, 8 January, 1798; Eleven states consenting & finally all consenting. The twelfth amendment was proposed in congress 12 December 1803 and declared ratified through the secretary of State 25 September 1804 by the constitutional quorum of states. The first ten articles are the *Bill of Rights* and each set of amendments had a preface. The eleventh limited the Federal Judiciary. The twelfth regulated general elections for President and Vice-President of the United States. Do any or all of these retract the fee-simple grant of great and permanent powers to the Federal Government? There are three great Departments

I the President commanding the Army and Navy and with a veto upon a plurality of Congress. II the Congress coining all moneys; collecting all imposts on imports, regulating all interstate as all external commerce; making all subordinate Federal Judiciary as appointed of the President with power to have a ten mile square seat and to take grants or to buy for Ports, Dock yards and Arsenals; having post offices and post roads under laws executed by the President, and to frame supreme constitutional laws and set up courts and Judges. III The supreme court set as arbiter and expounder of the constitution and of all differences of states and with states or of them with the Federation; no loop hole left for nullification, and none for secession,—because the right of peaceable assembly and of petition and by article Fifth of the Constitution, the right of amendment, is the Constitutional substitute for revolution. Here is our *Magna Carta* not wrested by Barons from King John, but the free gift of states to the nation they create and in the very amendments harped upon by states rights men are proposed by the Federal congress and approved by Presidents, to make the liberties of the Republic of the West forever sure. All of the States' Rights which they wished to retain are now and forever retained in the Union, including slavery; and so I have sworn loyalty to this constitutional union, and for it let me live or let me die. But you say that slavery is the corner stone of the south and if separated, would be that of a new Republic; God forbid. When a boy I went to New Orleans on a flat boat and there I saw slavery and slave markets as I have never seen them in Kentucky, and I heard worse of the Red River plantations. I hoped and prayed that the gradual emancipation plan of Henry Clay or the Liberian colonization of John Q. Adams might lead to its extinction in the United States. Geo. Washington, the Massachusetts Adams, presidents James Madison and Monroe, Benj. Franklin; opposed its extension into the territories before I did. The ordinance of 1784, 1787 for the North West territory ceded by Virginia, was written by Thomas Jefferson and signed only by slave-holders and that prohibited forever slavery, or involuntary servitude not imposed for crime. Your grandfather, Captain Stephens, suffered at Valley Forge and bled at Brandywine for the principles of the men of 1776–1783. Your Uncle, Justice Grier of the Supreme Bench has recently expounded the Supreme Law as I

honestly accept it. Senator Crittenden complains that by the device of party conventions and nominations of candidates for Presidents and Vice-Presidents the Federal plan of separate and unbiased Electoral Colleges is taken away and the popular feature of elections is restored to the people. I reckon they wanted it so. What are you agoing to do about it? To abolish conventions you must abolish candidates. In your Oxford College oration, you say "I love the Union and revere its memories; I rejoice in all its achievements in arts in letters and in arms." If it is a good thing, why not just keep it and say no more about it?

I am not in favor of a party of Union constitution and law to suit Mr. Bell or Mr. Everett and be construed variously in as many sections as there are states.

This is the longest letter I ever dictated or wrote.

But this is to, only you alone, not to the public.

Yours truly

A. LINCOLN.

(The above is from a copy certified as correct by Mr. Stephens.)

STATE OF GEORGIA
EXECUTIVE DEPARTMENT

ATLANTA, GA., ——— 1882.

CRAWFORDSVILLE, GA., January 25th, 1860.

Hon. Abraham Lincoln,
Springfield, Illinois.

My Dear Sir:

Yours of the 19. is here. I have little faith in any new or old party being able to save us from the madness, as much of the south as the north. A Constitutional Union party pledged to the enforcement of all laws, and in its platform fully recognizing the paramount State sovereignty, seems hopeful to some men—less so to me than when I wrote, as you will see by my reply to Senator Crittenden. As a railway man might say—"I foresaw a smash up on our road, and got off at the first station." My retirement from congress means—I trust—rest and an end of public life. There are two points in your letter. First, illustrating our constitution and amendments by a fee-simple deed with a post-script. This is clever. Just such deeds are known to Georgia law, the tail inserted before signing. To avoid the equity of redemption of mortgage, the Insurance loan companies, mostly from the North West, take a fee-simple deed, conditional to be void if the loan and interest are paid in three years. What remains of the title? *Everything*,—if the condition is kept. Let me give you a better illustration. Pensioners of the United States, receive for service or wound, each a part of what rightfully and originally is of the government, i. e. money of the public revenue, when granted it is truly inalienable. The pensioner cannot sell or pawn the certificate, not even for the full value of it for an average life-time and such premium as the certainty of payment commands with public bonds. Not voidable, but void is such a sale, the government admitting no consideration as equal to its faith with the pensioner. This government right is devisible,—inheritable—inalienable. Take a scripture illustration. The covenant of the Holy Family ran by inheritance through Abraham, Isaac and Jacob. In the third step it fell to the younger brother; in the fourth, it divided to twelve sons,

Dinah not inheriting. Each son had an equal inalienable tribal right as entire as that Abraham and Isaac possessed. This was tested when the David line of the royal tribe of Judah represented by Rehoboam, undertook to coerce the seceded ten tribes under Jeroboam (1, Kings XI th 31, 32,) and although possessed of Kingly divine right, he was forbidden of the Lord. (1. King XII: 21.) The thirteen colonies revolting from the British crown, were successful; and whether you date Independence from July 4, 1776, or in 1783, when seven years later it was recognized, the original sovereignty of Great Britain became all vested in the colonies, and if Dinah had been wed the partition of the sovereignty into thirteen full nations or tribes would be a parallel. Indeed it was so since Joseph parted to Ephraim—Manasseh the younger first. Again, the Hebrew could not alienate heritage or liberty; all came back in the Jubilee; only strangers could (Leviticus XXV: 10 to 17). State sovereignty like "life, liberty and the pursuit of happiness," is inalienable—priceless—above all consideration, expediency or necessity. States could not give away—could not sell—that Pension of the Divine Governor—that heritage and that birth-right of the mother birth-pangs of 1776-1783. Born in a bed of fire of the Revolution—States sold not their rights—as did Esau for a mess of pottage. Sovereignty here in our states is no longer in the crown, nor is it in the agent appointee: but it is in the states. The southern fire-eaters who clamor for extension of Slavery into the territories, by the popular local vote or by Congress, have no sense. We will settle no more slave territory unless we reopen the African slave trade to get more negroes. Granting Congress power to put it in, also concedes power to keep it out. When once these malcontents have conceded to the Federal Agent, the right to intermeddle with the paramount local sovereignty; the same in the territory preparing for statehood as in the states; all barriers will break and centralism will obliterate state lines. Review this matter again. Slavery and sectionalism will not always force issues, and Statehood is as precious to the North West as it is to the South East. Your second point is the word "Perpetual" and in the last two words of the caption "Articles of Confederation and Perpetual Union"—the sense of the title is submerged and also of all of the articles, except Thirteen.

Articles of Confederation: Each of them is equally vital. No delegate would have signed one without them all. "Perpetual Union"—"This union shall be perpetual" on these terms only. Did you ever notice that this language is not repeated in the "More perfect" Constitution? You know as well as I do that Virginia and other states as New York and Rhode Island in all of the early proposals to extend the power of Congress over import duties for the sake of public credit based on revenue; asked that the experiment be limited to a term of years, ten, fifteen or thirty. Only the general trust in each other and in the limitations exacted: made it a general and not a limited time partnership. Granting more power against such protests as that of Rhode Island that it might be used against the states. The language of the Articles of 1778 as to perpetuity was intentionally omitted. Our ancestors did not foresee that slavery, then general would sectionalize; and that in doing business as a firm for one hundred years, that valuable assets viz: our vast territorial farms—would be struggled for by greedy banks of partners—and, as Henry Clay foresaw in our expansion by conquest from Mexico, would threaten or produce inter-state and sectional war. I pray that there may be no disunion. The one weakness of the south is the concretion of wealth in the hands of a few. A recent book "Cotton is King"—shows that the King is administered by an aristocracy of three hundred thousand (300,000) out of four millions of whites (4,000,000). If the entire white population seek separate Independence; the northern states will no more repress it than did George III with the Colonies. There will be no "peacable secession;" the firm has assets now contended for—and the arbiter is the sword. No constitutional party will avail when sections differ as you and I do as to what it means. No law will be enforced when men like William H. Seward say there is a "Higher Law" than is the Federal Supreme law, and when men like Salmon P. Chase say in the Senate, they and their states will not observe the great Compromises of 1850-1854-6. Our Union is a compact between sovereigns, and if one breaks a treaty the others are not bound. Call it a partnership—unlimited in times as they usually are—but strictly limited in action. Few partnerships anticipate their dissolution or fix the time. One partner extravagant and greedy releases the rest, for no one may hold others to take advantage of his own wrong. Death dis-

solves but it is rarely provided for. When we dissolve, the less will leave the greater, and if the less be then the richer, as the south now is, the greater will not be amiable. That means war; not doubtful if Independence, not selfish greed, shall actuate a tier of states. Once made, the breach will never heal. Horace Greeley says two sections may be pinned together by bayonets, but not the hearts. General Scott in his words, "Wayward sisters depart in peace" refers to the *In Pace* of the convent nun walled up alive. That we will see. Finally, I do not think the Jeffersonian amendments are unmeaning. They express what the convention implied. *Esto Perpetua* has been inscribed on pyramids and empire gates and cut deeply into granite and marble tombs. The works of man are not eternal. We are far from the hoary years of Thebes and Rome and England—Wait! Our temple is very new, but it shakes. Oysters and little brooks, coilia insects and earth worms have terms outlasting empires, Wait! We are very new. Rereading your valuable letter, I note this question, "What of state rights is there remaining after all of the enumerated concessions to the Federal government?" I answer *Sovereignty* that is *everything*. I now have in my hands as Attorney and Trustee, the estate of three girls who have sixty thousand dollars each. This is my admission that I do not own the estate. The three departments of the General Government do not constitute the union—remove the states and the agent is nothing.

Let me suppose that you return to public life and one day you pen this entry * * * "On the fourth day of March 1861 I. A. L. found myself to be the secretary of a convention of all the states, met by Delegates in Phila. I The members of the constitutional convention sat and looked at each other. II They all agreed to disagree. III They then all went home. Would you then write "Finding myself in the historic hall like a bean in an empty bag, I, therefore, am *The Union*?" Let me suppose that to pass the time, you spread the blue Union-Jack on a table and with chalk, mark out among the stars, the line of dissolving power. You admit that all of say thirty three states could dissolve the Union. Mark out one as dissenting—Maine or South Carolina, and you will admit that thirty-two states could still dissolve the Union. The matter is practical. The constitution of 17 September 1787 began to take shape in the Delaware convention 7

Dec. 1787, but up to 21 November 1789 North Carolina and Rhode Island had not ratified and were of the 1778 Confederation. Twelve states in convention made the constitution, omitting to record as perpetual the greater powers they loaned—and up to May 29, 1790, Rhode Island was left alone in the Confederation of July 9, 1778. Then R. I. was taxed in. You can easily divide thirty-three states into three groups of eleven each; Eastern, Western, Southern, Remove slavery and the South and West naturally unite for good commercial reasons. Could not twenty-two states then dissolve the Union? Surely. If 22: could not seventeen (17) a majority of one? So the old Democratic party is practically divided now. If 17, could not eleven (11)? Interest so divides us now. Judge Benning in a speech I send you, argues that eleven states make the tobacco, cotton, rice, sugar and corn, the five money producing staples; against the potatoes, hay and wheat of the more populous states. Only by their commerce that of lakes, rivers and railways being largely in excess of the oceanic, do the twenty-two states compare with the fruitful eleven. I may say that fourteen states are yet interested in the productiveness of slave labor. Surely the old thirteen states could have dissolved the union which they made. The repeated recitation of the term perpetual purposely left out of the constitution is like the "till death do you part" of marriage. Christ and Paul admit it may be broken, although the *Vinculo Matrimonii* never so recites. Any other fourteen states emerged from territorial chrysalis become vested with all of the attributes of statehood, sovereignty included. If fourteen could ever dissolve the union—can they not now—cannot one? Where do you draw the line of power? Eleven less populous states, having a million more of whites and four millions more of total population than had the old thirteen, if united as then for a new Independence, would surely attain it. Great Britain had as many available millions as you have and failed. You in your welcome to Louis Kossuth, expressed high regard for any people struggling for liberty, yet the slaves of the south are in as good condition as were Hungarian serfs. A century of storm and shine has not yet merged our thirteen stripes and thirty three bright stars into one smear of indistinguishable Union. God keeps us yet distinct? I am for the Union as our fathers made it. Georgia commands

me—as said Ruth to Naomi, “The Lord do so to me and more also if aught save death separate me and my state.”

Yours truly,

ALEXANDER H. STEPHENS.

(The foregoing copy of letter to Mr. Lincoln by Mr. Stephens is signed by Mr. Stephens, it and Mr. Lincoln's letter of Jan'y. 19th, 1860, to Mr. Stephens (duplicated for Senator Crittenden) are certified to by Mr. Stephens as being correct copies as follows)

STATE OF GEORGIA
EXECUTIVE DEPARTMENT

ATLANTA, GA., January 19th, 1883.

Colo. Henry Whitney Cleveland at your request I certify that the 7 sheets of legal cap paper dated Springfield, Illinois 19, January 1860, twenty three years ago, are the (dictated) letter of Abraham Lincoln to me on the political issues before the secession of the states and that the 16 sheets of Executive paper constitute my reply from Crawfordville, Ga., January 25, 1860, viz: an exact transcript of my pencil copy written in bed, which I retained. That I requested you not to include this correspondence nor my diary written when a prisoner in Fort Warren, Boston Harbor, in 1865, in your "Life Letters and Speeches" or Biography of myself, because I intended to treat the matter fully and fairly as I did in "The War Between the States." Also that I did authorize the use in both books of the Springfield, Ills., A. L. of November 30, 1860, of my copy reply of Ga. 14 Dec'r 1860, of his rejoinder of Dec'r 22, 1860, and also of my longer sur-rejoinder of which you made printed and not *fac simili* copy. The originals are yours to use as thought best.

Faithfully yours,

ALEXANDER H. STEPHENS.

(Only the signature is in Mr. Stephens' handwriting.)

All of the foregoing letters were in December 1859 and January 1860.

After Mr. Lincoln's election, the following correspondence with Mr. Stephens was had. The *originals* of these letters are in my collection and were reproduced in fac-simile in Mr. Cleveland's "Alexander H. Stephens in Public and Private with Letters and Speeches" as mentioned in Mr. Stephens' certification above.

SPRINGFIELD, ILLS., Nov. 30, 1860.

Hon. A. H. Stephens

My dear Sir.

I have read, in the newspapers, your speech recently delivered (I think) before the Georgia Legislature or its assembled members. If you have revised it, as is probable, I shall be much obliged if you will send me a copy.

Yours very truly,

A. LINCOLN."

Original draft (copy of it sent)

CRAWFORDVILLE, GA., 14 December, 1860.

"My Dear Sir

Your short and polite note of the 30th ulto asking for a revised copy of the speech to which you refer etc. was not received until last night. The newspaper report of the speech has never been revised by me. The notes of the reporter were submitted to me and corrected to some extent before being published but not so thoroughly as I would have wished. The report was substantially correct. If I had had any idea that it would have been so extensively circulated as it has been and been published in so many papers throughout the country as it has been I should have prepared a copy for the press in the first instance. But I had no such thought and therefore let the report go as it did. There are several verbal inaccuracies in it but the main points appear sufficiently clear for all practical purposes. The country is certainly in great peril and no man ever had heavier or greater responsibilities resting upon him than you have in the present momentous crisis.

Yours most Respectfully,

ALEXANDER H. STEPHENS."

Hon. Abraham Lincoln,
Springfield, Ill.

For your own eye only

SPRINGFIELD, ILLS., Dec. 22, 1860.

Hon. A. H. Stephens.

My dear Sir

Your obliging answer to my short note is just received and for which please accept my thanks. I fully appreciate the present peril the country is in, and the weight of responsibility on me. Do the people of the South really entertain fears that a Republican administration would, *directly*, or *indirectly*, interfere with their slaves, or with them, about their slaves? If they do, I wish to assure you, as once a friend, and still, I hope, not an enemy, that there is no cause for such fears. The South would be in no more danger in this respect, than it was in the days of Washington. I suppose, however, this does not meet the case. You think slavery is *right* and ought to be extended; while we think it is *wrong* and ought to be restricted. That I suppose is the rub. It certainly is the only substantial difference between us.

Yours very truly

A. LINCOLN.



